

## **ORDINANCE NO. 2010-7**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH AMENDING SECTION 5.04.330 OF THE NEWPORT BEACH MUNICIPAL CODE PERTAINING TO BUSINESS TAX APPEALS**

**WHEREAS**, the City of Newport Beach ("City") regulates business conducted within its boundaries through licensing regulations provided in Newport Beach Municipal Code ("Code") Chapter 5.04; and

**WHEREAS**, the City's Finance Director administers Code Chapter 5.04 and is required to render decisions regarding the applicability of the business license regulations to individual businesses; and

**WHEREAS**, persons aggrieved by the Finance Director's decisions have a right to an appeal hearing before the City Council; and

**WHEREAS**, in the interest of efficiency and conserving limited resources the City Manager may be designated to hear business appeals in place of the City Council.

**NOW, THEREFORE**, the City Council of the City of Newport Beach ordains as follows:

**SECTION 1:** Section 5.04.330 of Chapter 5.04 of the Newport Beach Municipal Code is hereby amended to read as follows:

**"5.04.330 Appeal.**

Any person aggrieved by any decision of the Finance Director with respect to the issuance or refusal to issue such license may appeal to the City Manager by filing a notice of appeal with the City Clerk. The City Manager shall thereupon fix a time and place for hearing such appeal. The City Clerk shall give notice to such person of the time and place for hearing by serving it personally or by depositing it in the United States mail at Newport Beach, California, postage prepaid, addressed to such person at his last known address. The City Manager shall have authority to determine all questions raised on such appeal. No such determination shall conflict with any substantive provision of this ordinance."

**SECTION 2:** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**SECTION 3:** The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**SECTION 4:** The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the same to be published once in the official newspaper of the City, and it shall be effective thirty (30) days after its adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach, held on the 27<sup>th</sup> day of April, 2010, and adopted on the 11<sup>th</sup> day of May, 2010, by the following vote, to wit:

AYES, COUNCILMEMBERS \_\_\_\_\_

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NOES, COUNCILMEMBERS \_\_\_\_\_

\_\_\_\_\_

ABSENT COUNCILMEMBERS \_\_\_\_\_

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KEITH D. CURRY, MAYOR

ATTEST:

\_\_\_\_\_  
LEILANI I. BROWN, CITY CLERK

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

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LEONIE MULVIHILL, ACTING CITY ATTORNEY